

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	No. 4:07-CR-690 CAS
v.	)	
	)	
DAVID LOUIS STOLTS,	)	
	)	
Defendant.	)	

**ORDER AMENDING JUDGMENT**

This matter is before the Court on the defendant's pro se Motion to Correct Judgment Document in a Criminal Case. The motion states that the Judgment entered in this case incorrectly reflects that defendant pleaded guilty, when in fact defendant was found guilty after a plea of not guilty. The defendant is correct and the Judgment does not correctly reflect the procedural history of this case.

Rule 36 of the Federal Rules of Criminal Procedure provides a mechanism for the correction of clerical errors in a judgment. The Rule states:

After giving any notice it considers appropriate, the court may at any time correct a clerical error in a judgment, order, or other part of the record, or correct an error in the record arising from oversight or omission.

Rule 36, Fed. R. Civ. P.


The failure of the Judgment in this case to reflect that defendant was found guilty after a plea of not guilty is a clerical error for which relief is available under Rule 36. Defendant's motion should therefore be granted. Because this clerical error was brought to the Court's attention by the defendant, there is no need for additional notice.

Accordingly,

**IT IS HEREBY ORDERED** that defendant's pro se Motion to Correct Judgment Document in a Criminal Case is **GRANTED**. [Doc. 94]

**IT IS FURTHER ORDERED** that the Judgment imposed herein on September 2, 2008 [Doc. 77] is **amended** to reflect that defendant was found guilty on count I after a plea of not guilty.

**IT IS FURTHER ORDERED** that the Clerk of the Court shall prepare an Amended Judgment to reflect that the defendant was found guilty on count I after a plea of not guilty. The Judgment shall remain in full force and effect in all other respects.

  
**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 22nd day of October, 2009.